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REMARKS

Applicant has cancelled claims 1-14, and has amended claims 15, 19, 20, and 24. New claims 26-29 have been added. Claims 15-29 are presently pending in the application.

Applicant would like to thank Examiner Jessie A. Fenty for his thorough search and review of the prior-art, his careful consideration and examination of the present application and claims, and his indication that claims 19-21 contain allowable subject matter. In particular, Examiner Fenty stated that claims 19-21 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Rejections Under 35 U.S.C. § 102

Claims 15-18, 22, and 23 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Dennison (U.S. Publication No. 2004/0113136 A1). Applicant respectfully traverses this rejection as it relates to the claims even before the present amendment and especially after entering of the current amendment.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (Emphasis added; *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). Thus, for a rejection under 35 U.S.C. 102(e) to be proper, every limitation recited in a claim, which is rejected as being anticipated by a prior-art reference, must be clearly disclosed in that single prior-art reference. In the instant case, Applicant respectfully submits that the cited Dennison reference does not disclose each and every element that is recited in the rejected independent claims as amended, and, therefore, the cited Dennison reference does not anticipate any of the claims under 35 U.S.C. § 102(e).

Independent claims 15 and 24 have been amended as set forth herein. Applying the above Federal Circuit standard, Dennison does not disclose a memory cell, including, among

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other things, "a conducting element ...; a bottom electrode ... having a sidewall operatively coupled with the conducting element; and phase change material at least partially disposed on the surface of the substrate and operatively coupled with the sidewall of the bottom electrode," as recited in independent, amended claim 15. Nor does Dennison disclose an array of memory cells, as set forth in independent, amended claim 24, with each memory cell including, among other things, "a conducting element ... operatively connected with the source of a corresponding transistor; a pad layer disposed on the substrate; a bottom electrode formed on a sidewall of the pad layer ...; phase change material ... operatively coupled with a sidewall of the bottom electrode; and a top electrode formed of conducting material disposed on the phase change material and establishing operative contact with the phase change material."

Accordingly, independent, amended claims 15 and 24, and the claims dependent therefrom, are not anticipated by Dennison under 35 U.S.C. § 102(e). Applicant thus respectfully requests that the Examiner reconsider and withdraw this rejection.

Claims 15-18 and 23 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Lung (U.S. Publication No. 2004/0248339 A1). Applicant respectfully traverses this rejection as it relates to the claims, even before the present amendment and submission. In an effort to expedite the prosecution of this application, however, Applicant submits herewith a Declaration Under 37 C.F.R. § 1.131 showing that the claimed subject matter of the present application was invented and submitted to a patent firm in writing before the June 6, 2003 filing date of Lung. Accordingly, independent, amended claim 15, and the claims dependent therefrom, are not anticipated by Lung under 35 U.S.C. § 102(e). Thus, Applicant respectfully requests that the present rejection be reconsidered and withdrawn.

Rejection Under 35 U.S.C. § 103

The Office Action rejected claims 24 and 25 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Dennison in view of Moore et al. (U.S. Patent No. 6,815,818). In response, Applicant respectfully traverses this rejection and submits that none of the presently pending claims would have been obvious in view of this cited prior art. In particular, Applicant submits

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that neither Dennison nor Moore et al., taken separately or together, provide a required suggestion or motivation to render the present claims obvious under 35 U.S.C. § 103. It is respectfully submitted that claim 25 is allowable at least because of its dependence from independent, amended claim 24. Moreover, Applicant submits that the present rejection under 35 U.S.C. § 103 is invalid, since, for example, at the time the present invention was made, this application and that of Dennison were owned by the same person or subject to an obligation of assignment to the same entity as set forth in § 706.02(k) of the Manual of Patent Examining Procedure. Furthermore, Applicant respectfully submits that a rejection under Dennison is not proper by way of, for example, the Declaration Under 37 C.F.R. § 1.131 submitted herewith. Consequently, Applicant requests that the rejection under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

In view of the above, Applicant submits that the application is now in condition for allowance, and an early indication of same is requested. The Examiner is invited to contact the undersigned with any questions

Respectfully submitted,



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